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MESSAGE NO. 1207 CLASSIFICATION UNCLASSIFIED PAGES 2
 FROM DAVID S. ADDINGTON X 2230 West Wing/2
 (NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION REQUEST FOR ACTION ON AMENDMENT
TO ANTI-DRUG ABUSE ACT

TO (AGENCY)	DELIVER TO:	DEPT/ROOM NO.	EXTENSION
<u>JUSTICE</u>	<u>THOMAS ROYD</u>	<u>OLA</u>	<u>633-4054</u>
<u>CIA</u>	<u>JOHN HELGERSON</u>	<u>OCA</u>	

REMARKS

* Action:

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THE WHITE HOUSE

WASHINGTON

August 25, 1988

MEMORANDUM FOR THOMAS M. BOYD
ACTING ASSISTANT ATTORNEY GENERAL
FOR LEGISLATIVE AFFAIRS

JOHN L. HELGERSON
DIRECTOR OF CONGRESSIONAL AFFAIRS
CENTRAL INTELLIGENCE AGENCY

FROM: DAVID S. ADDINGTON *DS*
DEPUTY ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

SUBJECT: The "Anti-Stonewalling Act" Amendment to the Omnibus
Drug Bill

When the House begins consideration of the "Omnibus Drug Initiative Act of 1988" (H.R. 5210) immediately upon its return from the August recess, Congressman Bill Alexander (D-AR) plans to offer an amendment entitled the "Anti-Stonewalling Act of 1988." The amendment deals with (1) access by Congressional committees and the General Accounting Office to information possessed by executive agencies concerning illegal foreign drug activities and (2) inter-agency sharing of such information.

We would appreciate it if the Justice Department and the CIA would prepare joint letters to the House leadership and Congressman Alexander from the Attorney General and the Director of Central Intelligence expressing the Administration's views on the proposed amendment. The letters should address the intelligence and law enforcement operational concerns with the amendment, its constitutional and other legal flaws, and the continuing actions of the Administration to combat international narcotics production and trafficking.

I will ask the Office of Management and Budget to expedite the Circular A-19 clearance process for the letters to ensure that they can be transmitted no later than September 6th.

cc: Arthur B. Culvahouse, Jr.
Colin L. Powell

House Report
100-861

ALEXANDER
AM DT.

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(2) Paragraph (1) does not limit the authority of the Secretary to expend Federal funds to administer and provide oversight of the clinical laboratory certification process.

An amendment to be offered by Representative Alexander of Arkansas or his designee to be debatable for not to exceed 20 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Page 402, after line 25, insert the following:

TITLE XI—INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES

SEC. 11401. SHORT TITLE.

This title may be cited as the "Anti-Stonewalling Act of 1988".

SEC. 11402. INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES.

(a) **IN GENERAL.**—Any officer or employee in the executive branch of the Government, who, in the course of the official duties of such officer or employee, obtains information about illegal foreign drug activities shall promptly furnish such information through the head of the agency in which the officer or employee serves or is employed—

(1) to the head of any other agency designated under subsection (b); and

(2) upon request of a committee of the Congress or of the Comptroller General, as the case may be, to such committee or to the Comptroller General.

(b) **DESIGNATIONS.**—Not later than 60 days after the date of the enactment of this Act, the President shall—

(1) designate agencies involved in the formulation of United States foreign policy or the enforcement of Federal drug laws to receive information under subsection (a)(1); and

(2) notify the Speaker and the minority leader of the House of Representatives, the President pro tempore and the minority leader of the Senate, and the Comptroller General of such designations.

The President shall review such designations once each year and may, on the basis of the review, change any designation, with notification as provided in paragraph (2).

(c) **NONDISCLOSURE.**—Except with respect to the disclosure of information to the General Accounting Office, notwithstanding subsection (a), the head of an agency may withhold the disclosure of information that, as determined by the head of the agency—

(1) may jeopardize a United States foreign intelligence or counterintelligence activity or source;

(2) may jeopardize a law enforcement investigation; or

(3) may adversely affect the national defense or security of the United States.

The authority to make such a determination may not be delegated. Any such determination shall be communicated in writing to the President, who may direct the head of the agency to furnish the information under such procedures and safeguards as the President may specify.

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(d) **APPLICABILITY OF SECTION 716 OF TITLE 31, UNITED STATES CODE.**—If information requested by the Comptroller General under subsection (a) is not furnished within a reasonable time, section 716 of title 31, United States Code, shall apply to such request.

(e) **DUTY OF THE PRESIDENT.**—In the event the President withholds information from a committee of the Congress for any of the reasons set forth in subsection (c), the President shall transmit in writing to the chairman and ranking minority party member of each committee a statement of the reasons for the decision. If the information concerns a United States foreign intelligence or counterintelligence activity or source, the President shall promptly inform the chairman and ranking minority party member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the nature of the information withheld. This section does not waive or otherwise alter any right or procedure that the Congress or any committee of the Congress may otherwise have to receive such information.

(f) **DEFINITIONS.**—As used in this section—

(1) the term "officer or employee in the executive branch of the Government" means an appointed officer in the executive branch of the Government, an employee in the executive branch of the Government, and a member of a uniformed service; and

(2) the term "agency" means a dependent, agency, or establishment in the executive branch of the Government.